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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/877,155 06/17/97 CORMIER

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EXAMINER

FINKEL, S

ART UNIT

PAPER NUMBER

3763

DATE MAILED:

12/06/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/877,155

Applicant(s)

Cormier et al

Examiner

Sharon Kennedy

Group Art Unit

3763



☒ Responsive to communication(s) filed on Sep 16, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 6, 7, 30, 31, 53-55, 57-74, and 76-103 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 6, 7, 30, 31, 53-55, 57-74, and 76-103 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 17

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification lacks antecedent basis for “said anchor *helps prevent* the sheet from being dislodged” and for the subject matter added in claim 80.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 6, 7, 30, 31, 53-55, 57-74, 76-114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims state that the anchoring means “help prevent” the sheet from being dislodged from the body surface. One of ordinary skill in the art cannot ascertain with any reasonable degree of certainty what structures embody this functional language since this functional language “helps to prevent” is wholly undescribed in the specification. In addition, one of ordinary skill in the art cannot reasonably discern what is “much less than” and the specification provides no support for the functional language. See, for example, claims 92, 98, etc.

#### ***Claim Rejections - 35 USC § 102***

4. Claims 6, 7, 30, 31, 55, 57, 59-62, 65, 66, 67, 68, 71-74, 76, 78, 80, 83-86, 89-94, 98-100 are rejected under 35 U.S.C. 102(b) as being anticipated by Ganderton et al., 3,814,097. The

comments set forth in the previous office action are incorporated herein. Clearly, the Ganderton blades "help prevent" the sheet from being dislodged from the body.

5. Claims 6, 55, 57, 59, 64-66, 71 and 72 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Reed et al., U.S. 5,312,456. The comments set forth in the previous office action are incorporated herein.

***Claim Rejections - 35 USC § 103***

6. Claims 63, 64, 69, 70, 81, 82, 87, 88, 95, 96, 97, 101-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganderton et al., U.S. 3,814,097. The comments set forth in the previous office action are incorporated herein.

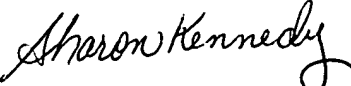
7. Claims 7, 63, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,312,456. The comments set forth in the previous office action are incorporated herein.

***Allowable Subject Matter***

8. Claims 53, 54, 58, 77, 79 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The comments set forth in the previous office action are incorporated herein.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is (703) 305-0154.

  
Sharon Kennedy

December 3, 1999